

REMARKS

Upon entry of the claim amendments, claims 1-7, 9-24, and 27-64 are all the claims pending in the application. Claims 8-9 and 25-26 are canceled, and claims 19-23 and 33-60 are withdrawn from consideration.

Claims 1,7, 10, 12, 20, 24, 27 and 29 are amended, and new claims 61-64 are introduced. Support for the claim amendments and new claims can be found throughout the specification and originally filed claims.

Specifically, support for the amendments to claims 1 and 24 can be found at least at paragraphs [0098]-[0100] and [0103]-[0105]. Further, claims 1, 12, 24 and 29 are amended to recite “bFGF” instead of “FGF.”

Claim 7 is amended to depend from claim 6, instead of claim 1.

Claims 10 and 27 are amended to delete their dependencies on canceled claims.

Claim 20 is amended to correct a grammatical error.

Claim 27 is amended to depend from claim 26, instead of claim 24.

Support for new claims 61-64 can be found at least in paragraphs [0097]-[0098] and [0102]-[0103].

Accordingly, no new matter has been introduced by these amendments to the claims.

I. Preliminary Matters

Applicants thank the Examiner for returning initialed copies of the PTO Forms SB/08 that accompanied the Information Disclosure Statements filed on January 18, 2006 and February 27, 2007.

In the Office Action Summary, however, it appears that the Examiner inadvertently did not mark an acceptance of the drawings filed on May 14, 2007 and September 14, 2006. Applicants respectfully request that the Examiner indicate acceptance of the drawings in the next action.

II. Present Claims Comply With 35 U.S.C. § 112

a) Claims 1-6, 8, 10-11, 13-18, 24-25, 27-28, and 30-32 are rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not provide enablement for all FGFs recited in Claim 1.

The Examiner asserts that while being enabling for the method of claim 1 wherein the FGF is bFGF, the specification does not provide enablement for all FGFs.

In response, solely to expedite the prosecution, Applicants have amended independent claims 1 and 24 to recite the specific FGF2, which is basic FGF or bFGF, instead of general “FGF.”

b) Claims 7, 12, and 29 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

i) With respect to claim 7, the Office Action asserts that, while the prior art (Bansal) indicates that a precursor’s lineage depends on its age and specific culture conditions (e.g., a specific pattern and amount of growth factors), the specification does not provide such conditions for oligodendrocyte precursor cells recited in Claim 7. Accordingly, the Office Action asserts that Claim 7 reciting that the homogeneous population of oligodendrocyte precursor cells is restricted to the oligodendrocyte lineage does not meet the enablement requirement.

In response, solely to expedite the prosecution, Applicants have amended claim 7 to specify the precursor cells' age by being dependent from claim 6, instead of claim 1.

ii) With respect to claims 12 and 29, the Office Action also asserts that one of ordinary skill in the art, based upon the teachings of the prior art or the specification, would not be able to predict that applying the concentration of 5 ng/ml for bFGF recited in Claims 12 and 29 to all FGFs would produce the claimed results, considering the complex and unpredictable nature of the present invention.

In response, solely to expedite the prosecution, Applicants have amended claims 12 and 29 to recite "bFGF," in place of "FGF."

Accordingly, Applicants respectfully submit that the present specification enables one of ordinary skill in the art to practice the presently claimed invention, and request the Examiner reconsider and withdraw the above enablement rejection.

III. Present Claims Are Patentable Over Bansal

Claims 1-6, 8-11, 13-18, 24-28, and 30-32 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bansal et al. (Mol Cell Neurosci., 7, 263-275, 1996, IDS filed 2/27/07; "Bansal 1996").

Applicants have amended claims 1 and 24, solely to expedite the prosecution. Applicants respectfully assert that the current amendment to claims 1 and 24 renders moot the above claim rejection under 35 U.S.C. § 102(b), because the cited art fails to disclose each and every element of the presently claimed invention.

As pointed out in M.P.E.P. § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set

forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).”

Independent claims 1 and 24, as amended, recite a step of “passaging and purifying the oligodendrocyte precursor cells.” Applicants respectfully submit that Bansal 1996 fails to disclose the step of passaging and purifying the oligodendrocyte precursor cells as set forth in independent claims 1 and 24.

Specifically, Bansal 1996 fails to disclose either any passage of its late progenitors in the medium with FGF in the substantial absence of PDGF, or any further purification of the oligodendrocyte precursor cells.

In addition, Applicants respectfully assert that the rest of the rejected claims are allowable over Bansal 1996 at least because of their dependency from independent claim 1 or 24 and the reasons set forth above.

Accordingly, Applicants respectfully request that the above rejection under 35 U.S.C. § 102 be reconsidered and withdrawn.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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